

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	
)	JUDGE
v.)	
)	
FIVE (5) FIREARMS SEIZED FROM)	
DUSTIN ANGLIN ON MARCH 17, 2017,)	
IN YOUNGSTOWN, OHIO,)	
)	
Defendants.)	COMPLAINT IN FORFEITURE

NOW COMES plaintiff, the United States of America, by David A. Sierleja, Acting United States Attorney for the Northern District of Ohio, and James L. Morford, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging on information and belief the following:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C. Section 1355(a). This Court also has jurisdiction over this particular action under 18 U.S.C. Section 924(d)(1).

2. This Court has *in rem* jurisdiction over the defendant properties pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district and the defendant properties are found in this district.

3. Venue is proper in this district pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1395 because the action accrued in this district and the defendant properties are found in this district.

4. This Court will have control over the defendant properties through service of an arrest warrant *in rem*, which the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will execute upon the defendant properties. *See*, Supplemental Rule G(3)(b) and G(3)(c).

5. On March 17, 2017, the defendant properties were seized at the Homestead Road, Youngstown, Ohio, residence of Dustin Anglin. The defendant properties are now in the custody of the ATF.

6. The ATF commenced an administrative forfeiture proceeding against the defendant properties. A claim to the defendant properties was submitted in the administrative forfeiture proceeding by Jordan Peshek, the girlfriend of Dustin Anglin, thereby requiring the filing of the instant judicial forfeiture action.

7. The defendant properties are subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. Section 922(g)(9).

8. 18 U.S.C. Section 922(g)(9) makes it unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence to possess, in or affecting commerce, any firearm or ammunition.

DESCRIPTION OF THE DEFENDANT PROPERTIES

9. The following properties are the defendant properties in the instant case. Each of the firearms was manufactured outside of the state of Ohio:

- a.) Remington, model 1100, 12 gauge shotgun, serial number: M345365V.

- b.) Mossberg, model 500C, 20 gauge shotgun, serial number: P247767.
- c.) Daniel Defense, model V11, 5.56 caliber rifle, serial number: DD037574D.
- d.) Browning, model Medallion, 7mm rifle, serial number: 05035NR317.
- e.) Marlin, model 795, .22 caliber rifle, serial number: 01156780.

PRIOR DOMESTIC VIOLENCE CONVICTION

10. On or about October 31, 2011, Dustin Anglin was convicted of domestic violence (M1) in the Girard Municipal Court, Trumbull County, Ohio, Case Number: 2011-CRB-00974.

FORFEITURE

11. Pursuant to an investigation, ATF personnel recovered four (4) ATF Form 4473's. The ATF Form 4473, entitled "Firearms Transaction Record", is a form submitted by a prospective purchaser of a firearm(s) to the transferor/seller of the firearm(s).

12. Each of the four (4) ATF Forms 4473 contained the personal information and "signature" of Jordan Peshek as a prospective firearm(s) purchaser.

13. The handwriting/signature on two (2) of the ATF Forms 4473 was similar to each other. However, the handwriting/signature on the remaining two (2) ATF Forms 4473, while similar to each other, was substantially different from the handwriting/signature on the other two (2) ATF Forms 4473.

14. On March 17, 2017, ATF Special Agents interviewed Dustin Anglin. He was advised that he was not in custody and free to leave at any time.

15. Anglin was asked about the four (4) ATF Forms 4473 bearing the personal information and "signature" of his girlfriend, Jordan Peshek. Initially, he stated that Peshek had filled out all the forms. Thereafter, Anglin changed his response and stated that he had "filled out and signed" two (2) of the forms.

16. Stated otherwise, Anglin had forged two (2) of the ATF Forms 4473.

17. Anglin was asked about his firearms prohibition due to the prior domestic violence conviction. At first, he denied knowing he had been convicted, insisting that the charges were dropped. Later, Anglin changed his response and admitted to knowing that he had been convicted.

18. Anglin told the ATF Special Agents that there were five (5) firearms in his safe at his residence, one (1) of which was listed on the subject ATF Forms 4473. Anglin further stated that he had already sold the others.

19. The ATF Special Agents told Anglin that they would need to immediately retrieve the firearms from his residence because he was prohibited. Anglin agreed and provided the agents with the combination to the safe.

20. The ATF Special Agents and Anglin then traveled to Anglin's Homestead Road, Youngstown, Ohio residence, where the agents took custody of the five (5) firearms. As stated by Anglin, only (1) of the recovered firearms was listed on the ATF Forms 4473. The five (5) recovered firearms are the defendant properties in the instant case.

21. Also on March 17, 2017, ATF personnel interviewed Jordan Peshek. She was advised that she was not under arrest and was free to leave at any time.

22. Peshek was asked about the difference in the handwriting on the ATF Forms 4473 bearing her personal information and "signature". Initially, Peshek said that she filled out and signed all the forms. Thereafter, she admitted that she only filled out two (2) of the forms and that her boyfriend, Dustin Anglin, had filled out the other two.

23. Peshek stated that "all of the firearms" listed on the Forms 4473 are at her boyfriend's Homestead Road, Youngstown, Ohio residence. Peshek further stated that the

firearms are kept locked in a safe at the residence and that she does not know the combination to the safe.

24. When asked why Anglin did not purchase the firearms using his own information, Peshek said she did not know.

25. Peshek informed ATF personnel that she did not have keys to Anglin's Homestead Road residence.

CONCLUSION


26. By reason of the foregoing, the defendant firearms are subject to forfeiture to the United States under 18 U.S.C. § 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. § 922(g)(9).

WHEREFORE, plaintiff, the United States of America, requests that the Court enter judgment condemning the defendant firearms and forfeiting them to the United States under 18 U.S.C. § 924(d)(1), and providing that the defendant firearms be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

David A. Sierleja
Acting United States Attorney, N.D. Ohio

By:

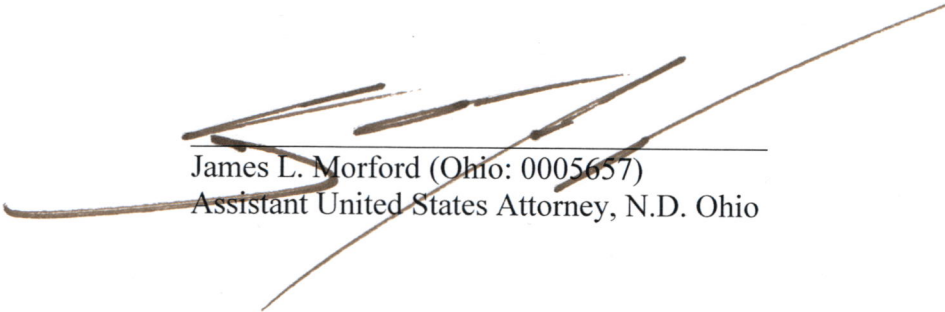


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VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, James L. Morford, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio

Sworn to and subscribed in my presence this 16th day of August, 2017.



Notary Public



MELANIE KATE SANDS
Notary Public, State of Ohio
My Commission Expires May 6, 2020